| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/615,856 | 07/08/2003 | Jerry Michael Evoy | PQH03-032 | 9964 |

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| 34225        7590        02/23/2007 | | EXAMINER |
| UNISYS CORP. | | CHERRY, STEPHEN J |
| 25725 JERONIMO ROAD, MS400 | | |
| MISSION VIEJO, CA 92691 | ART UNIT | PAPER NUMBER |
| | 2863 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|---|---|---|
| 3 MONTHS | 02/23/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | Application No. | Applicant(s) |
| | | 10/615,856 | EVOY, JERRY MICHAEL |
| Office Action Summary | | Examiner | Art Unit |
| | | Stephen J. Cherry | 2863 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)☒ Responsive to communication(s) filed on _10 November 2006_.

2a)☐ This action is **FINAL.**          2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)☒ Claim(s) _1-36_ is/are pending in the application.

    4a) Of the above claim(s) _12, 24, and 36_ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-11, 13-23 and 25-35_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election without traverse of invention I, claims 4-8, 16-20, and 28-32,

including linking claims 1-3, 9-11, 13-15, 21-23, 25-27, and 33-35, in the reply filed on

11-10-2006 is acknowledged.

### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
conditions and requirements of this title.

Claims 1-11, 13-23, and 25-35 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter. The claims merely describe steps

performed by a computer and produce no tangible result. Specifically, the claims

describe monitoring a resource, but do not display or store the results of the monitoring

process. Additionally, claims 13-23 recite machine accessible medium that includes

data for monitoring a resource, but the monitoring process produces no tangible result;

therefore, the claims are non-statutory. Additionally, claims 25-35 recite memory with

program code for monitoring a resource, but the monitoring process produces no

tangible result; therefore, the claims are non-statutory.

For further guidance, see the following OG announcement:

http://www.uspto.gov/web/offices/com/sol/og/2005/week47/patgupa.htm

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11, 13-23, and 25-35 are rejected under 35 U.S.C. 102(b) as being

anticipated by U.S. Patent 5,506,955 to Chen et al.

Regarding claim 1, Chen discloses a method for dynamically monitoring

resources, the method comprising the operations of:

(a)     sending to a monitor request module a request of a user to monitor at least one

specified resource ('955, col. 6, line 45, "start"); and

(b)     creating at least one monitor to monitor the specified resource, using the monitor

request module (955, col. 6, line 47).

Regarding claim 2, and in view of the rejection of claim 1 above, Chen discloses

a  method of claim 1 wherein the specified resource includes at least one of a file object,

a registry object, and a set of all processes that are active while the monitor is active

('955, col. 7, line 12).

Regarding claim 3, and in view of the rejection of claim 1 above, Chen discloses

a method of claim 1 further comprising:

(c)     providing to the user a link to the monitor ('955, fig. 12a, depicts several links to monitor in window).

Regarding claim 4, and in view of the rejection of claim 1 above, Chen discloses a method of claim 1 wherein, in operation (a), there are more than one specified resources, the specified resources being of the same type ('955, col. 7, line 12 discloses processes, systems and disks to monitor), the method further comprising:

(d)     creating a set of first objects corresponding to the specified resources, the first objects representing states of the specified resources and being maintained by the monitor ('955, col. 13, line 1, and table 5, depicting objects).

Regarding claim 5, and in view of the rejection of claim 4 above, Chen discloses a method of claim 4 further comprising:

(e)     updating the set of first objects upon receiving a notification of a change to at least one of the specified resources, using the monitor ('955, col. 17, line 12); and

(f)     logging information related to the change ('955, table 5, "val_change").

Regarding claim 6, and in view of the rejection of claim 5 above, Chen discloses a method of claim 5 further comprising:

(g)     creating a new object representing a current state of the specified resource having the change ('955, table 5, data value record); and

(h)     comparing the new object to the corresponding first object representing a previous state of the specified resource to determine the change ('955, table 5, "val_change").

Regarding claim 7, and in view of the rejection of claim 1 above, Chen discloses a method of claim 1 wherein, in operation (a), there are more than one specified resources, the specified resources being of different types ('955, col. 7, line 10), and, in operation (b), there are more than one monitors created corresponding to the different types of specified resources ('955, col. 7, line 10, "one or more instances"), the method further comprising:

(d)     creating different sets of first objects corresponding to the different types of specified resources, each of the different sets of first objects representing states of a corresponding type of specified resources and being maintained by a corresponding monitor ('955, col. 7, line 59).

Regarding claim 8, and in view of the rejection of claim 7 above, Chen discloses a method of claim 7 further comprising:

(e)     providing to the user a link to each of the monitors ('955, col. 7, line 65, and fig. 12a).

Regarding claim 9, and in view of the rejection of claim 1 above, Chen discloses a method of claim 1 wherein the monitor is implemented as one of a COM object, a thread, and a process ('955, col. 7, line 12).

Regarding claim 10, and in view of the rejection of claim 1 above, Chen discloses a method of claim 1 wherein the monitor request module is initiated by a resource monitor service ('955, fig. 9, ref. 180).

Regarding claim 11, and in view of the rejection of claim 10 above, Chen

discloses a method of claim 10 wherein, after being initiated, the monitor request

module restarts all restartable monitors ('955, fig. 9, ref. 172).

Regarding claim 13, Chen discloses a article of manufacture comprising:

a machine-accessible medium including data that, when accessed by a machine,

causes the machine to perform operations comprising:

(a)     sending to a request module a request of a user to monitor at least one specified

resource ('955, col. 6, line 45, "start"); and

(b)     creating at least one monitor to monitor the specified resource, using the request

module (955, col. 6, line 47).

Regarding claim 14, and in view of the rejection of claim 13 above, Chen

discloses a article of manufacture of claim 13 wherein the specified resource includes at

least one of a file object, a registry object, and a set of all processes that are active

while the monitor is active ('955, col. 7, line 12).

Regarding claim 15, and in view of the rejection of claim 13 above, Chen

discloses a article of manufacture of claim 13 wherein the operations further comprise:

(c)     providing to the user a link to the monitor ('955, fig. 12a, depicts several links to

monitor in window).

Regarding claim 16, and in view of the rejection of claim 13 above, Chen

discloses a article of manufacture of claim 13 wherein, in operation (a), there are more

than one specified resources, the specified resources being of the same type ('955, col.

7, line 12 discloses processes, systems and disks to monitor), and wherein the

operations further comprise:

(d)     creating a set of first objects corresponding to the specified resources, the first

objects representing states of the specified resources and being maintained by the

monitor ('955, col. 13, line 1, and table 5, depicting objects).

Regarding claim 17, and in view of the rejection of claim 16 above, Chen

discloses a article of manufacture of claim 16 wherein the operations further comprise:

(e)     updating the set of first objects upon receiving a notification of a change to at

least one of the specified resources, using the monitor ('955, col. 17, line 12);; and

(f)     logging information related to the change ('955, table 5, "val_change").

Regarding claim 18, and in view of the rejection of claim 17 above, Chen

discloses a article of manufacture of claim 17 wherein the operations further comprising:

(g)     creating a new object representing a current state of the specified resource

having the change ('955, col. 17, line 12, and table 5); and

(h) comparing the new object to the corresponding first object representing a previous

state of the specified resource to determine the change ('955, col. 17, line 12, and table

5, "val_change").

Regarding claim 19, and in view of the rejection of claim 13 above, Chen

discloses a article of manufacture of claim 13 wherein, in operation (a), there are more

than one specified resources, the specified resources being of different types ('955, col.

7, line 10), and, in operation (b), there are more than one monitors created

corresponding to the different types of specified resources ('955, col. 7, line 10, "one or more instances"), and wherein the operations further comprise:

(d)     creating different sets of first objects corresponding to the different types of specified resources, each of the different sets of first objects representing states of a corresponding type of specified resources and being maintained by a corresponding monitor ('955, col. 7, line 59).

Regarding claim 20, and in view of the rejection of claim 19 above, Chen discloses a

20.     The article of manufacture of claim 19 wherein the operations further comprise:

(e)     providing to the user a link to each of the monitors ('955, col. 7, line 65, and fig. 12a).

Regarding claim 21, and in view of the rejection of claim 13 above, Chen discloses a article of manufacture of claim 13 wherein the monitor is implemented as one of a COM object, a thread, and a process ('955, col. 7, line 12).

Regarding claim 22, and in view of the rejection of claim 13 above, Chen discloses a article of manufacture of claim 13 wherein the operations further comprise: initiating the monitor request module using a resource monitor service ('955, fig. 9, ref. 180).

Regarding claim 23, and in view of the rejection of claim 22 above, Chen discloses a article of manufacture of claim 22 wherein the operations further comprise: restarting all restartable monitors using the monitor request module ('955, fig. 9, ref. 172).

Regarding claim 25, Chen discloses a system comprising:

a processor; and

a memory coupled to the processor, the memory containing program code that, when

executed by the processor, causes the processor to perform operations comprising:

(a)      sending to a monitor request module a request of a user to monitor at least one

specified resource ('955, col. 6, line 45, "start"); and

(b)      creating at least one monitor to monitor the specified resource, using the monitor

request module (955, col. 6, line 47).

Regarding claim 26, and in view of the rejection of claim 25 above, Chen

discloses a system of claim 25 wherein the specified resource includes at least one of a

file object, a registry object, and a set of all processes that are active while the monitor

is active ('955, col. 7, line 12).

Regarding claim 27, and in view of the rejection of claim 25 above, Chen

discloses a system of claim 25 wherein the operations further comprise:

(c)      providing to the user a link to the monitor ('955, fig. 12a, depicts several links to

monitor in window).

Regarding claim 28, and in view of the rejection of claim 25 above, Chen

discloses a system of claim 25 wherein, in operation (a), there are more than one

specified resources, the specified resources being of the same type ('955, col. 7, line 12

discloses processes, systems and disks to monitor), and wherein the operations further

comprise:

(d)     creating a set of first objects corresponding to the specified resources, the first objects representing states of the specified resources and being maintained by the monitor ('955, col. 13, line 1, and table 5, depicting objects).

Regarding claim 29, and in view of the rejection of claim 28 above, Chen discloses a system of claim 28 wherein the operations further comprise:

(e)     updating the set of first objects upon receiving a notification of a change to at least one of the specified resources, using the monitor ('955, col. 17, line 12);; and

(f)     logging information related to the change ('955, table 5, "val_change").

Regarding claim 30, and in view of the rejection of claim 29 above, Chen discloses a system of claim 29 wherein the operations further comprising:

(g)     creating a new object representing a current state of the specified resource having the change ('955, col. 17, line 12, and table 5); and

(h)     comparing the new object to the corresponding first object representing a previous state of the specified resource to determine the change ('955, col. 17, line 12, and table 5, "val_change").

Regarding claim 31, and in view of the rejection of claim 25 above, Chen discloses a system of claim 25 wherein, in operation (a), there are more than one specified resources, the specified resources being of different types ('955, col. 7, line 10), and, in operation (b), there are more than one monitors created corresponding to the different types of specified resources ('955, col. 7, line 10, "one or more instances"), and wherein the operations further comprise:

(d)     creating different sets of first objects corresponding to the different types of

specified resources, each of the different sets of first objects representing states of a

corresponding type of specified resources and being maintained by a corresponding

monitor ('955, col. 7, line 59).

Regarding claim 32, and in view of the rejection of claim 31 above, Chen

discloses a system of claim 31 wherein the operations further comprise:

(e)     providing to the user a link to each of the monitors ('955, col. 7, line 65, and fig.

12a).

Regarding claim 33, and in view of the rejection of claim 25 above, Chen

discloses a system of claim 25 wherein the monitor is implemented as one of a COM

object, a thread, and a process ('955, col. 7, line 12).

Regarding claim 34, and in view of the rejection of claim 25 above, Chen

discloses a system of claim 25 wherein the operations further comprise: initiating the

monitor request module using a resource monitor service ('955, fig. 9, ref. 180).

Regarding claim 35, and in view of the rejection of claim 34 above, Chen

discloses a system of claim 34 wherein the operations further comprise: restarting all

restartable monitors using the monitor request module ('955, fig. 9, ref. 172).


## Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Stephen J. Cherry whose telephone number is (571)

272-2272. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SJC

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